

Town of Nolensville
Board of Mayor and Alderman Meeting
Date: September 7, 2006, Time 7:00 p.m.
Nolensville Elementary School

Mayor Tommy Dugger opened the meeting at 7:05 p.m. Members present were Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, Larry Felts and Beth Weaver-Lothers. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 65 citizens present.

Mr. Willis Wells led the prayer and pledge.

Citizens Input:

State Representative Glen Casada introduced himself to the audience noting that he was running for State Representative.

Mr. Jack Johnson thanked everyone for supporting him in the primary and asked for everyone's vote in the state senate race.

Ms. Lynda Moses, Rock Springs Road, stated that her family has had the fire department at her home on several occasions and commended their hard work. She asks that the board address the Burkitt Road area and the continued wrecks at this location. She again asked the board to change the Planning Commission meetings from the second Thursday of the month so that Nolensville citizens can attend the Williamson County Planning Commission meeting.

Mr. Porter Freeman, Nolensville Road, stated that Article 2, Section 29 says that you cannot give money to the fire department. He further stated that the long rains are flooding homes in the area. The additional new homes that are being built worsen the flooding. After the county built the bridge on Brittain Road a dam was created. Something needs to be done.

Ms. Paulette Sullivan, Nolensville Road, asked if Nolen Park has storm drains. She stated that her basement has flooded with these rains and has never flooded in the past. Engineer Woodroof stated that there is a situation that is currently being resolved regarding detention ponds.

Ms. Sherry Knapper, Stonebrook Boulevard, stated that the people of Nolensville are entitled to the truth about the candidates. She ask that any candidate who has lawsuits to please make this known to the citizens. Ms. Knapper stated that there are copies of these lawsuits being circulated throughout the town. She further noted that currently the town has two million dollars in the bank and this should be monitored. She thanked Alderman Felts for presenting the code of ethics.

Alderman Curtsinger made a motion to approve the minutes from the regular meeting of August 3, Alderman Weaver-Lothers seconded. Alderman Weaver-Lothers made a motion to amend the minutes on page two. Ballenger Farms should be changed to Bent Creek. Alderman Alexander seconded and this amendment passed unanimously. The minutes were then approved as amended unanimously.

Mayor Dugger noted that a letter was received from Dr. Clark, although was not signed by him. He noted that he requested this to be read to the audience. Mayor Dugger reminded the board that an announcement was made earlier that letters or comments would not be read during the

citizen's comments.

Recorder Lancaster presented the treasurer's report. Alderman Curtsinger asked that the percentages be placed on the report as previously preformed. Recorder noted this could be done. Alderman Felts made a motion to approve the report, Mayor Dugger seconded and this passed unanimously.

Committee reports:

Mr. Willis Wells reported for the Planning Commission.

- Site review for new Nolensville Elementary School
- Zoning amendments for Kelly property was approved
- Rezoning for Nolensville Road property was withdrawn by applicant
- Zoning ordinance amendment for recreation and commercial definitions was approved
- Haley Industrial Phase IV was approved
- Monthly Bond report was approved
- Commission member John Boyd's resignation was accepted

Ms. Betty Friedlander reported for the Historic Commission.

- McCord property application to demolish out buildings was approved
- Encouraged BOMA to approve the Zoning ordinance changes for the Historic District Commission
- Keep Williamson Beautiful campaign is in progress

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Two new applications for membership
- Four members taking First Responder test
- October 8-14 Fire Prevention Week
- Noted kitchen fires are #1 cause of fires
- Noted Monday will be the 5th anniversary of 9/11

Rich Woodroof reported for the Code's Department

- 56 residential permits issued
- 438 building inspections performed
- Pre-con meeting for school was performed – work is anticipated to begin on Monday
- Met with Florence and Hutcheson – they are 30% complete – anticipating reporting to the Board next month

Alderman Felts asked if a meeting date was set for Cates and Kottas, as they had previously requested. Mayor Dugger stated that the Design Review Committee would meet with them first.

Chief Paul Rigsby reported for the Police Department

- A written report was submitted
- Every officer received a new fitted bullet proof vest
- City of Berry Hill donated a police car to Nolensville

Mayor Dugger reported for the Public Works Department

A written report was submitted to the board

Mayor's report:

A Litter Proclamation was read by Alderman Beth Weaver-Lothar

Mayor Dugger introduced Raylene King, a breast cancer survivor. Ms. King thanked the board for the proclamation and recognition. She went over various facts in regards to Breast Cancer. Alderman Weaver-Lothar read the breast cancer proclamation and presented this to Ms. King.

Other:

Mayor Dugger noted that the various commissions and board took an educational field trip. He thanked Alderman Weaver-Lothar for putting this enlightening trip together.

Mayor Dugger noted that the newspaper had reported that a lawsuit was filed against the Town of Nolensville. The town has not been notified of this lawsuit.

Mayor Dugger asked the board if they wanted to begin the process of the Rocky Fork re-alignment. Alderman Curtsinger asked if Engineer Woodroof and Town Planner Laird could give the board an outlay of the process and a timeframe. Mr. Woodroof stated that he could not give a begin to end date due to several variables. He noted that an engineering firm would have to be hired. This firm would put together bid documents and oversee the process. He noted that due to Mill Creek being involved, permits would have to be obtained to allow construction. There are specific rules and regulations for crayfish. He further noted that he would like to obtain a timeframe from the board to initiate this process. Alderman Weaver-Lothar asked what he needed from this board to begin the process. Mayor Dugger stated that a resolution should be presented to hire an engineering firm. Alderman Felts noted that it may be in the best interest to get the school board involved to discuss traffic issues.

Alderman Curtsinger stated that we may need to have a workshop to discuss this due to all the various issues. Alderman Alexander asked if the engineer could contact a firm to obtain a time line and procedure for the process. Engineer Woodroof stated that this could be done. Mayor Dugger stated that a workshop would be set for this issue.

Public hearing on Ordinance #06-16, an Ordinance to amend the zoning ordinance #04-09, of the Town of Nolensville to regulate garage entry design opened at 7:58. Counsel noted the process of an ordinance. Mr. Laird addressed this ordinance.

Mr. Larry Gardner, York Road, asked that this be passed in order to assist in the neighborhoods appearance.

Ms. Sherry Knapper, Stonebrook Boulevard, asked for clarification on the percentage of side entry garages. Mayor Dugger stated 30%. The public hearing was closed at 7:59 p.m.

Public hearing on Ordinance #06-17, an ordinance to amend the zoning ordinance #04-09, of the Town of Nolensville to participate in the National Flood Insurance Program, opened at 7:59. Engineer Woodroof noted that these are requirements that FEMA has mandated. There was no public comment. The public hearing closed at 8:00 p.m.

Second reading of Ordinance #06-12, an Ordinance to amend the zoning ordinance #04-09, of the Town of Nolensville to address non-conforming uses. Counsel Notestine noted this is a

compliance issue, much like ordinance #06-17.

Mr. Larry Gardner asked if this applied to lots that do not have pre-existing establishments and zoning. Engineer Woodroof stated that the confusion on this is that two different ordinances are being addressed. This ordinance brings the zoning ordinance in compliance with state law.

Alderman Felts made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously.

Second reading of Ordinance #06-13, an Ordinance to amend the zoning ordinance #04-09, of the Town of Nolensville to address Historic Zoning Commission. Counsel Notestine noted that this ordinance redefines the Historic Zoning Commission. Alderman Weaver-Lothers made a motion to approve this ordinance, Mayor Dugger seconded and this passed unanimously.

Second reading of Ordinance #06-14, an Ordinance to amend the zoning map of the Town of Nolensville to amend an area currently zoned Suburban Residential (SR) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO). Alderman Alexander noted that this is in compliance with the Land Use Plan. Alderman Felts made a motion to approve, Alderman Alexander seconded and this passed unanimously.

Second reading of Ordinance #06-18, an ordinance to adopt code of ethics. Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously. Alderman Felts read a statement that he prepared to address the code of ethics. The audience applauded.

First reading of Ordinance #06-19, an ordinance to amend the zoning ordinance #04-09 to revise definitions pertaining to recreation, commercial and indoor uses. Counsel Notestine noted this is to clarify up various definitions.

Mr. Aubrey Short, Rockwood Drive, noted that section 4 has a typo that states, “has been ordered” twice. Alderman Felts made a motion to strike one “has been ordered” in Section 4, Alderman Weaver-Lothers seconded. Alderman Felts made a motion to approve this ordinance as amended, Alderman Curtsinger seconded and this passed unanimously.

First reading of Ordinance #06-20, an Ordinance to name Peoples State Bank as a depository for town funds. Counsel Notestine noted this was considered by resolution and Alderman Curtsinger brought to the board’s attention that this should have been done by ordinance.

Mr. Hoyt Bedingfield, Pumpkin Ridge Court, stated that this ordinance is reconfirming resolution #06-16. He stated that it has been his experience that you do not normally have elected officials and people involved with day-to-day operation making decisions for the town. He would suggest that the board delegate this to another qualified individual.

Alderman Curtsinger stated that the resolution should be rescinded. He noted that the resolution had nothing to do with the bank, but has to do with the policy. It should be taken back to the drawing board.

Counsel Notestine noted that the ordinance before the board tonight is to amend the Town Code Title 5. If the board wishes to rescind Resolution #06-16, that should be done by placing that request on the agenda.

Alderman Curtsinger noted that this ordinance refers to Resolution 06-16. Counsel stated that the “Whereas” is for reference and noted this is first reading.

Mayor Dugger made a motion to amend this ordinance by changing the name to Peoples State Bank of Commerce, Alderman Alexander seconded and this amendment passed unanimously.

Alderman Felts made a motion to approve this ordinance, Alderman Alexander seconded and this passed by majority, Mayor Dugger, Aldermen Alexander, Felts, and Weaver-Lothers for, Alderman Curtsinger against.

First reading of Ordinance #06-21, an ordinance to amend the zoning map to rezone property currently Suburban Residential (SR) to Commercial Services (CS), with a Commercial Corridor Overlay (CCO), Engineer Woodroof noted that this should be Estate Residential (ER) and not Suburban Residential (SR). Alderman Alexander noted that he voted for this rezoning because this conforms to the Land Use Policy Plan.

Mayor Dugger stated that he had a conflict of interest and would not participate in the discussion of this issue or the vote.

Alderman Weaver-Lothers asked for more information from adjacent property owners. Engineer Woodroof stated that no one has given input. Alderman Weaver-Lothers asked if property notice had been given to the adjacent property owners. Engineer Woodroof stated that they would receive proper notice prior to the public hearing.

Alderman Curtsinger noted that there is no other commercial in that area and he feels that it has some issues, therefore, he feels that it should keep the non-conforming use.

Engineer Woodroof stated that the county allowed mix use. When the town incorporated there was a residence, in addition to a business, at that location. At that time it was zoned as a non-conforming use.

Alderman Alexander stated that the Planning Commission one year ago reviewed this and it was decided that this would be commercial to Brittain Lane.

Alderman Curtsinger stated that the goal has been to keep that side of the road residential; therefore it is better to keep it as a non-conforming use.

Alderman Alexander stated that there was numerous meetings held to review and approve the Land Use Policy and this zoning is allowed through the Land Use Policy.

Alderman Curtsinger stated he felt this was spot zoning.

Mr. Ken Kelley, owner of the property, stated that he was in attendance for any questions that the board may have. He noted that six months ago this body voted to allow the same zoning he is requesting. He asked the board what had changed other than he becoming the owner of the property.

Alderman Felts asked what type of business Mr. Kelley would have at this location.

Mr. Kelley stated that he has had numerous renter's request information on this location. He

noted that real estate, doctor, dentist and numerous others have contacted him about renting.

Alderman Curtsinger asked if the uses that he had mentioned would be affected by the non-conforming use.

Mr. Kelley stated that it was his understanding that for this entire structure to be retail, it must be rezoned. Engineer Woodroof stated that a doctor's office would not be allowed.

Mr. Aubrey Short, Rockwood Drive, noted that after Mr. Marusa's property burned, the building was rebuilt and made larger than the original building.

Mr. Larry Gardner, York Road, stated that he opposed this at the Planning Commission. He stated that he had a concern about the floodplain. He noted that Mr. Kelley states that if it is commercial he will not change the use, but he can if it is rezoned. He thinks this is spot zoning.

Counsel Notestine noted that the county allowed a conditional use.

Mr. Frank Wilson, Nolensville Road, noted the Planning Commission approved this as commercial. It passed on first reading six months ago when a request for a dentist office was made to be at that location. The applicant withdrew the request.

Alderman Curtsinger stated that there has been a lot of discussion since that request and he does not see any reason to change this zoning. It should remain a non-conforming use.

Engineer Woodroof noted that prior to a grading permit being issued it would go before the Planning Commission.

Alderman Weaver-Lothers stated that she did not agree that it was spot zoning. Her concern is that it complies with the Land Use Plan and that they neighbors do not have a problem with this zoning.

Alderman Alexander stated that he did not recall any objection to the zoning of that property during the discussions of the Land Use Plan.

Alderman Alexander made a motion to approve this ordinance, Alderman Felts seconded and this passed by majority with Alderman Alexander, Felts and Weaver-Lothers for, Alderman Curtsinger against and Mayor Dugger abstained.

Reading of Resolution #06-18, a Resolution to affirm the purchase of land from Metro Nashville. Counsel Notestine noted the town purchased a parcel of land and this resolution ratifies that transaction.

Mr. Matt Happle, Sam Donald Road, stated that the land acquisition was a good purchase for the kids that play soccer at that location.

Mayor Dugger made a motion to approve this Resolution, Alderman Alexander seconded and this passed unanimously.

Reading of Resolution #06-19, a Resolution to financially assist in the construction of the fire hall. Counsel noted this is a resolution with one reading required. Alderman Curtsinger noted

this previously was discussed and agreed to fund. With the growth in Nolensville the Fire Department does not have adequate fire equipment. This will increase the protection. Alderman Curtsinger stated that Mayor Knapper had agreed to do this in earlier meetings. This is the first step in the process and the county has agreed to match the town funding. Alderman Curtsinger made a motion to pass this resolution, Alderman Weaver-Lothers seconded.

Chief Presley Hughes spoke to the board noting that he had submitted a letter with various dates showing the chain of events. He noted the fire department is currently attempting to purchase an aerial truck, which will occupy two spaces. Mayor Knapper had met with County Mayor Anderson and he committed to the addition onto the building. Currently the county is waiting on a letter of intent from the Town of Nolensville.

County Commissioner Lew Green addressed the board noting that the resolution points out this will be a fifty-fifty joint venture. The county does this frequently with other municipalities. Currently the county is in a joint venture with Spring Hill.

Mr. Aubrey Short, Rockwood Drive, spoke in favor of the resolution. He noted that currently there is a sprinkler ordinance in effect, although the Silver Stream subdivision is not currently sprinkled due to being under the county jurisdiction.

Mayor Dugger noted that he is for fire protection and the fire department. He stated that he does have some concerns. It was noted previously that field lines were an issue in regards to building an addition. Chief Hughes stated that this has been resolved. He noted that a neighbor has given approval for an alternate field line site. Mayor Dugger stated that another concern was MTAS recommended to build at a different location in order to assist in the ISO rating. Chief Hughes stated that they are opposed due to this not being cost effective and the purchase of an aerial truck assisting in the ISO rating.

There was extensive discussion.

Alderman Weaver-Lothers inquired about the ownership of the building clarifying that the county would remain the owner.

Mr. Keith Rosenberry, Volunteer Fireman, stated that if a second fire hall was constructed a question would arise from the firemen as to which facility to respond. Additionally, there would be an added cost to have this facility "outfitted".

When Commissioner Green was asked about the possibility of a joint venture for a second fire hall he stated that there are 24 other commissioners that would have input on this issue.

Alderman Felts inquired as to the cost of an aerial truck. Chief Hughes stated approximately \$750,000. Alderman Felts noted that the department would then return within a year for a request to assist in funding an aerial truck.

There was extensive discussion on the aerial truck and the building.

Alderman Curtsinger called for the question, Alderman Curtsinger voted for, Aldermen Alexander, Felts, Weaver-Lothers, and Mayor Dugger against. Chief Presley Hughes called point of order.

Mayor Dugger ask that a workshop be held to discuss this further. Alderman Curtsinger stated that all the homes have been approved for construction, there may be some liability and there doesn't need to be a delay in the vote.

Alderman Weaver-Lothers stated that she is in support of the fire department, although \$240,000 is a large sum of money that would require us to ask some important questions this evening. In questioning the County Commissioner he confirmed that the towns contribution would be an investment in the county's land and not necessarily recouped by the town in the future.

Mayor Dugger made a motion to defer until next month to look at short term and long term options, Alderman Alexander seconded. This motion was void due to a motion currently on the floor.

Alderman Curtsinger called for the question, Alderman Curtsinger voted for, Aldermen Alexander, Felts, Weaver-Lothers, and Mayor Dugger against.

Alderman Alexander stated that he would like to have a workshop on this and bring back to the board in 30-days. Alderman Weaver-Lothers agreed to have a workshop.

Chief Presley Hughes called for a point of order.

Alderman Curtsinger called for the vote. The vote was then taken with Aldermen, Curtsinger, Felts and Weaver-Lothers for, Alderman Alexander and Dugger against. The Resolution passed by majority vote.

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Walter T. Dugger, III
Mayor